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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,785	04/07/2000	Tirdad Sowlati	US 000099	2253

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EXAMINER

NADAV, ORI

ART UNIT

PAPER NUMBER

2811

DATE MAILED: 01/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/545,785

Applicant(s)

SOWLATI ET AL.

Examiner

ori nadav

Art Unit

2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2811

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "27" does not point to a dielectric layer located between conductive vias "30". Correction is required.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Figure 2B depicts dielectric layer comprising vacuum. Therefore, a silicon oxide dielectric layer must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2811

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng et al. (5,583,359).

Ng et al. teach in figure 8 a capacitor 200 over a substrate 202 comprising a first level 210 of at least four electrically conductive parallel lines extending in a first direction and lying in a first plane, at least a second level 212 comprising metal or polysilicon (column 9, lines 65-66) of at least four electrically conductive parallel lines extending in the first direction and lying in a second plane above the first plane, each of the second level lines being disposed over a respective one of the first level lines, such that the lines of the first and second levels are arranged in a series of at least four coplanar line pairs, each line pair comprising one of the first level lines and a respective one of the second level lines; a dielectric layer 250 (figure 9) disposed between the first and second levels of conductive lines; an array of vias 230 arranged such that the first level line and the second level line of each of the at least four line pairs is connected by at least a respective one of the plurality of vias thereby forming an array of at least four parallel capacitor plates, and electrically opposing nodes forming the terminals of the capacitor, the array of parallel capacitor plates electrically connected to the opposing nodes in an alternating manner so that the plates have alternating electrical polarities (figures 10-11).

Figure 8 does not depict an array of at least four parallel capacitor plates. Figure 10 depicts a capacitor comprises plurality of parallel capacitor plates (fingers) of

Art Unit: 2811

alternating polarity. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an array of at least four parallel capacitor plates in Ng et al.'s device, in order to adjust the capacitance of the device according to the requirements of the application in hand.

Regarding claim 4, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a dielectric layer comprising silicon dioxide in Ng et al.'s device, because silicon dioxide is a conventional dielectric material, of which judicial notice may be taken.

Regarding claims 5 and 6, Ng et al. teach in figure 8 at least a third level 214 of at least four electrically conductive parallel lines extending in the first direction and lying in a third plane above the first and second planes such that each of the third level lines is coplanar with a respective one of the line pairs, and a second dielectric layer 252 (figure 9) disposed between the second and third levels of conductive lines so that the third level of lines vertically extends the array of at least four parallel capacitor plates.

Regarding claims 8-11, Ng et al. teach a capacitor being formed using known CMOS techniques (column 2, lines 56-57). Therefore, the capacitor comprises a sub-micron CMOS structure, as claimed.

Art Unit: 2811

Regarding claim 12, et al. teach in figure 8 a plurality of vias 230 arranged opposite a next respective plurality of vias, with identical spacing of vias in each plurality of vias.

Response to Arguments

5. Applicant argues on page 3 that reference character "27" indicates a second dielectric layer and uses an arrow which represents the entire layer.

Figure 2B depicts reference character "27" pointing at an entire layer. Reference character "27" does not point at a second dielectric layer which should be located between conductive vias "30".

6. Applicant argues on page 4 that the disclosure does not describe a second dielectric layer comprising vacuum.

The examiner agrees that the disclosure does not describe a second dielectric layer comprising vacuum. For this reason, the drawings are objected under 37 CFR 1.83(a), because the drawings must show every feature of the invention specified in the claims and figure 2B does not depict a second dielectric layer comprising silicon oxide (as recited in claim 4).

Art Unit: 2811

7. Applicant argues on page 4 that Ng et al. teach a single via 240, and not a plurality of vias.

Ng. et al. teach in figure 8 of Ng et al. a plurality of vias 230 connecting a first level line to a second level line, as claimed.

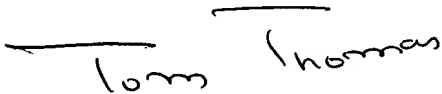
Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Examiner Nadav* whose telephone number is **(703) 308-8138**. The Examiner is in the Office generally between the hours of 7 AM to 3 PM (Eastern Standard Time) Monday through Friday. If attempts to reach the examiner by

Art Unit: 2811

telephone are unsuccessful, the examiner's supervisor, Tom Thomas, can be reached at **(703) 308-2772**.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is **308-0956**


TOM THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Ori Nadav

January 21, 2002